

**Supreme Court, U.S.
FILED**

05 - 4 6 3 SEP 9 - 2005

No. OFFICE OF THE CLERK

**IN THE
SUPREME COURT OF THE UNITED STATES**

David Muresan -- PETITIONAR

VS

Transworld System -- RESPONDENT

**ON PETITION FOR A WRIT OF CERTIORARI TO
WASHINGTON STATE
SUPREME COURT**

**PETITION FOR A WRIT OF CERTIORARI
(32 pages)**

**David Muresan
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Seattle, Washington, 98155
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Appendix is filed with the Writ of Certiorari

(a) QUESTIONS PRESENTED.

Q 1. May an Advertising Company to request payments from an Advertised Company for the period the Advertising Company canceled the contract to advertise the Advertised Company?

The Advertising Company Prime West, represented in court by Transworld System canceled three of the five years of the contract, on appendix B-2 page 22 with DMMD -Adult Family Home to advertise the DMMD. The letter dated Sept-25-2002 on Appendix B-1 page 21 says,

Quote. " 1. We already canceled three years of the five years contract" Unquote.

Court of Appeal ruling, denying the review on Appendix A-4 page 14 says, *Quote. " On the summary judgment the trial court entered judgment for Transworld in the amount of \$8,366.20 This amount apparently represents four years of the annual fee (1785 x 4 = 7,140.00), " Unquote.*

Transworld collected from DMMD -Adult Family Home more than \$9,000.00

Q 2. May an Advertising Company to request payments from an Advertised Company for the period the Advertised Company is closed by a State Agency action?

decisions closed DMMD -Adult Family Home for the period the payment was requested.

Q 3 May an Advertising Company to request payments from an Advertised Company for the period the Advertising Company did not advertise the Advertised Company?

Appendix D-1, D-2, and D3 pages 29, 30, and 31 are the Senior Center certification that the advertising was not made within the contract period in all three Centers, provided by contract. Appendix D-4, page 32, line 23 has an acknowledgment by Transworld that the advertising was not made in the contract period. *Quote.* " The advertising was withdrawn." *Unquote.*

(b) LIST OF PARTIES

[x] All parties appear in the caption of the case on the cover page.

Appellant. DMMD -Adult Family Home.

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Respondent. Transworld System.

Attorney for Respondent. Stephen A. Bernheim.

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(c) TABLE OF CONTENTS.

(a) QUESTIONS PRESENTED.....	page 1,2
(b) LIST OF PARTIES.....	page 2
(c) TABLE OF CONTENTS.....	page 3
(d) REPORTS AND ORDERS ENTERED IN THIS CASE.....	page 3
(e) JURUSDICTION IN THIS COURT.....	page 4
(e) (i) ORDER TO BE REVIEWD.....	page 5
(f) CONSTITUTIONAL PROVISIONS.....	page 5
(h) ARGUMENT AMPLYFING THE REASON FOR THE WRIT.....	page 5
(i) INDEX TO APPENDICS.....	page 6,7
1. <u>WA State Supreme Court</u> Order denying the Motion to Modify the Commissioner's Ruling.....	page 8
2. <u>Washington State Supreme Court</u> Commissioner's Ruling Denying Review.....	page 9,10
Discussions over Commissioner's ruling... ..	page 11
3. <u>Court of Appeal of the State of Washington, Division one.</u> Order denying the Motion to Modify the Commissioner's Ruling.....	page 12
4. <u>Court of Appeal of the State of Washington, Div. 1</u> Commissioner's Ruling Denying Discretionary Review.	page 13,16
5. <u>State of Washington</u>, Superior Court order to affirm the	

Transworld Position. page 17

6. District Court granting Summary Judgment. page 19,19

(d) REPORTS AND ORDERS ENTERED IN THIS CASE

1. Order denying the Motion to Modify the

Commissioner's Ruling. Entered on 7-12-2005

Washington State Supreme Court.

2. Commissioner's Ruling Denying Review.

Entered on 5-20-2005 Washington State Supreme Court.

3. Order denying the Motion to Modify the

Commissioner's Ruling. Court of Appeal of the State of

Washington, Division one. Entered on 4-12-2005

4. Commissioner's Ruling Denying Discretionary Review.

Court of Appeal of the State of Washington, Division one.

Entered on 2-10-2005

5. Superior Court order to affirm the Transworld

Position. State of Washington, Entered on 2-16-2004

6. District Court granting Summary Judgment.

Entered on 5-3-2004

(e) JURISDICTION IN THIS COURT

1. All Questions are related with National Issues, and of

Public Interest. The relations between Businesses are the

essence of a healthy economy.

(e) (i) ORDER TO BE REVIEWD

Order denying the Petition for Review. Washington State
Supreme Court. Entered on 7-12-2005

(f) CONSTITUTIONAL PROVISIONS

The right provided by the U.S. constitution to a fare
trial. No Company may steal money from another Company.

(g) STATEMENT OF THE CASE

The Advertising Company Prime West, represented in
the court by Transworld System canceled three of the five
years of the contract with DMMD -Adult Family Home to
advertised the DMMD business. DMMD -Adult Family
Home was closed for the period the Transworld requested
payment and the Prime West did not do the advertising for the
period they requested money.

Transworld collected from DMMD -Adult Family
Home more than \$9,000.00

**(h) ARGUMENT AMPLYFING THE REASON FOR
THE WRIT.**

All the Courts I appealed denied the review and that
means that, for those Courts is OK, An Advertising Company
to request money for a **Canceled Contract**, for

**Advertising a Closed Business and for
Not Advertising that Business at all**

(i) INDEX TO APPENDICES.

**APPENDIX A-1 . Order denying the Motion to Modify the
Commissioner's Ruling.** Entered on 7-12-2005 Washington
State Supreme Court. page 8

APPENDIX A-2. Commissioner's Ruling Denying Review.
Entered on 5-20-2005 Washington State Supreme Court.
pages 9,10

**APPENDIX A-3 Order denying the Motion to Modify the
Commissioner's Ruling.** Court of Appeal of the State of
Washington, Division one. Entered on 4-12-2005 - page 12

**APPENDIX A-4 Commissioner's Ruling Denying
Discretionary Review.** Court of Appeal of the State of
Washington, Division one. Entered on 2-10-2005 page 13,16

**APPENDIX A-5. Superior Court order to affirm the
Transworld Position.** State of Washington,
Entered on 2-16-2004 page 17

**APPENDIX A-6. District Court granting Summary
Judgment.** Entered on 5-3-2004 page 18,19

**APPENDIX B-1. Prime West Letter dated 9-25-2002 about
cancellation of 3 of 5 years contract.** page 20,21

APPENDIX B-2. Contract between Prime West and
DMMD -Adult Family Home. pages 22,23,24

APPENDIX C-1. . DMMD -Adult Family Home letter
dated 1-14-02 page 25

APPENDIX C-2. DMMD -Adult Family Home letter
dated 9-13-02 page 26

APPENDIX C-3 License Revocation at 18204 Seattle
page 27

APPENDIX C-4. License Revocation at 18210 Seattle
page 28

APPENDIX D-1. . Certificate for not advertising the
DMMD -Adult Family Home. in Greenwood Senior Center.
On 2-7-2002 page 29

APPENDIX D-2. Certificate for not advertising the
DMMD -Adult Family Home. in Shoreline Senior Center.
On 4-27-04 page 30

APPENDIX D-3. Certificate for not advertising the DMMD -
Adult Family Home in South County Senior Center. 5-6-04
page 30

APPENDIX D-4. Certificate for not advertising the DMMD -
Adult Family Home, reported by the Transworld lawyer on
the District Court Hearings on 5-24-04. page 31,32

TRANSWORLD SYSTEMS INC.,)	ORDER
Respondent,)	No.76960-5
V)	King County
DAVID MURESAN and)	# 04-2-12468-9
MARIA MURESAN)	
Husband and wife, dba DMMD)	C/A No. 55269-4-I
aka DMMD, ADULT FAMILY)	
HOME, Petitioners .)	

Page 8

APPENDIX A-2

THE SUPREME COURT OF WASHINGTON

TRANSWORLD SYSTEMS INC.,)	
)	
Respondent,)	No.76960-5
V)	
DAVID MURESAN and)	RULING
MARIA MURESAN)	DENYING REVIEW
Husband and wife, dba DMMD)	
aka DMMD, ADULT FAMILY)	
HOME,)	
Petitioners.)	
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FILED SUPREME COURT OF WASHINGTON

2005 MAY 20 A 10:16 BY C. J. MERITT__CLERK

The King County District Court entered a money judgment, in favor of Transworld System, inc., and against David and Maria Muresans, on a breach of contract claim. The Muresans appealed to King County Superior Court, but that court affirmed. The Court of Appeals thereafter denied the Muresans' motion for discretionary review. RAP 2.3.(d). The Muresans now moves for discretionary review by this court. RAP 13.5.

From my reading of the Muresans' various submissions in this court and the Court of Appeals, I can appreciate their belief that the trial court's judgment was not

entirely equitable outcome in this dispute. Various hints in the documentation suggests also, however, that the full story would not be as straightforward as the Muresans now attempt to depict it. Whatever the underlying facts could be, the only issue presented at this stage is a procedural one: did the Court of Appeal err in denying discretionary review, or is further review by this court otherwise called for by the criteria RAP 13.5 (b)

I cannot find that further review is called for. As the Court of Appeals observed , a superior Court's decision in an appeal from a district court judgment is final, unless the case falls within RAP 13.5 (b). The Muresans' evident desire to relitigate the facts of their case, and in process to present their position more fully and perhaps more persuasively, is not enough to justify continuing review. A retrial the facts is beyond any remedy either the Court of Appeals or in this court could properly order.

The motion for discretionary review is denied. It is therefore unnecessary to address respondent's motion to strike.

May 20, 2005

Signature(undecipherable)
COMMISSIONER

DUSCUSSION OVER THE COMMISSIONER RULING.

All the issues in this case are three, as the questions are dealing with them:

1. The Advertising Company Prime West, canceled three of the five years of the contract,

Prime West, collected from DMMD -Adult Family Home more than \$9,000.00 for all four remaining years.

2. DMMD -Adult Family Homes were closed, by DSHS, a state agency, for the period Prim West collected money from DMMD -Adult Family Homes.

3. The advertising was not made for the period Prim West collected money from DMMD -Adult Family Homes.

In the District Court were presented issues 2 and 3.

In the Superior Court and beyond were present all three issues, but the courts ignored them.

These issue are eligible for review based on RAP 13.5 (b) as an erroneous judgment, and based on RAP 13.5 (d) as an issue of public interest. (If a company is stealing money from another, then our judicial system must correct that injustice)